



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
M. Kelly Jones

Serial No.: 08/852,119

Filed: May 6, 1997

For: ADVANCE NOTIFICATION SYSTEM
AND METHOD UTILIZING A
COMPUTER NETWORK

Art Unit: 3614

Examiner: Louis-Jacques, J.

Docket No.: 050701-1026

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GROUP 3600

DECLARATION UNDER 37 C.F.R. §1.132
BY M. KELLY JONES

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Martin Kelly Jones, declare as true, the following:

1.

I am the inventor of the inventions defined in the pending claims of the above-identified patent application and of the subject matter described therein.

2.

Long before May 14, 1993, I conceived of an advance notification system that would notify a user, in advance, preferably by a telephone call, of the impending arrival of a vehicle at a stop location, so that the user would be given advance notice for a pickup and/or delivery of an item at the stop location. I discussed and designed the system with Mr. Mark Stubbins. In one of the specific implementations that we discussed and designed, a location tracking device, for example, a vehicle odometer or a global positioning system (GPS) receiver, which communicates with GPS satellites, would be used on each vehicle for determining the precise location of each vehicle in real time. Other additional sensors could be used for cross checking a school bus

stop, such as an open school bus door, the flashing lights, and stop sign that visually notifies other vehicles and individuals of a stopped school bus. Each vehicle would also have a transmitter or transceiver, such as a cellular telephone, *etc.*, which would be used to contact the passengers at their houses when the vehicle was a predetermined time period or predetermined distance, or at a specific location (street address) from a stop location. A computer or microprocessor based unit on each vehicle would be used to control the foregoing communication devices.

3.

Prior to May 14, 1993 and after extensive development of at least two implementations of the advance notification system, I was introduced to Mr. John Ross (the alleged sole inventor of U.S. Patent Nos. 5,648,770 and 5,444,444). In hopes of raising money to market the advance notification system described hereinabove in paragraph 2, I disclosed the advance notification system in secret to Mr. Ross. Mr. Ross agreed to help me raise money to produce and market the advance notification system. Mr. Ross had no conception of an advance notification system prior to my disclosure to him. However, Mr. Ross subsequently failed to provide me with any money for the advance notification system, and a few months after meeting Mr. Ross, we parted company.

4.

Generally, during my discussions with Mr. Ross, Mr. Ross had no substantive input on the technology associated with the advance notification system. The advance notification system was conceived of and its design was well defined, as discussed previously, long before Ross was consulted by me. However, I must admit, Ross and I together did come up with an idea to use a card reader system on the vehicles. I brought up the topic about how the system might determine if a particular person was actually on a vehicle, and I suggested several options. During our discussion, Ross suggested a card reader as yet another option. The card reader system involved issuing each bus rider with a magnetic identification (ID) card. The card would uniquely identify the rider and allow the computer-based vehicle unit to track riders and maintain ridership information on the vehicle in order to make the requisite telephone calls from the vehicle.

5.

Prior to May 14, 1993, Mr. Ross and I met with accountants of the Peat Marwick firm regarding possible incorporation of a company to exploit the technology. During this meeting, I was openly represented as the inventor, and Ross as the financial investor. In fact, when we met with Peat Marwick, I had all in attendance sign a nondisclosure agreement (Exhibit A). The date on the agreement, which has been redacted, is prior to May 14, 1993. As you can see on the agreement, my title was identified as "Inventor," and Mr. Ross clearly acknowledged my status as an inventor of the technology by signing his name to the document.

6.

Mr. Ross and I also visited an attorney during the time we were attempting to market the advance notification system. Attached hereto is Exhibit B, which shows a letter addressed to us from the attorney we consulted. The date on the letter, which has been redacted, is prior to May 14, 1993.

7.

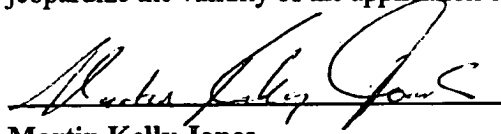
I have read the specification and claims of U.S. Patent No. 5,648,770, and based upon my understanding of the claim language, I believe that I am a co-inventor of the subject matter disclosed and claimed therein. In particular, based upon my understanding of this claim language, I truly believe that I, with some help from Mark Stubbins, invented, without Mr. Ross, the "apparatus" (which I disclosed to Mr. Ross prior to May 14, 1993) defined in independent claim 1 of the 5,648,770 patent. I further believe that Mark Stubbins and/or I invented what is claimed in claims 1-10 and 13-16, without Ross. In other words, Mr. Ross did not invent what is claimed here in claims 1-10 and 13-16 of the '770 patent. Finally, I do believe that Mr. Ross and I were likely co-inventors of the subject matter defined in claims 11-12.

8.

I have carefully read the specification and claims of U.S. Patent No. 5,444,444, and I believe that I am a co-inventor of the subject matter disclosed and claimed therein. Based upon my understanding of the claim language in this patent, I truly believe that I, with some help from Mark Stubbins and without Mr. Ross, invented the "apparatus" of independent claim 11 and disclosed all of the elements/features in claim 11 to Mr. Ross, before Mr. Ross thought about or knew anything about this claimed "apparatus." In other words, Mr. Ross did not invent what is claimed here in claim 11 of the '444 patent. I further believe that Mark Stubbins and/or I invented what is claimed in claims 3-23, and I further believe that John Ross and I were likely co-inventors of the subject matter defined in claims 1 and 2 of this patent.

9.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Martin Kelly Jones

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Date